

## **REMARKS**

Reconsideration of the present application is requested. Claims 1-3, 5-7 and 9-12 are currently pending.

### **I. ALLOWABLE SUBJECT MATTER**

Applicants acknowledge the Examiner's indication of the allowable subject matter set forth in claims 6 and 7.

### **II. PRIOR ART REJECTION UNDER 35 U.S.C. § 102(e)**

Claims 1-3, 5 and 9-12 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6, 748,031 ("Piirainen").

#### **A. THE ABOVE REJECTION SHOULD BE WITHDRAWN BECAUSE PIIRAINEN FAILS TO ANTICIPATE CLAIMS 1, 5 OR 9.**

Piirainen fails to anticipate claim 1 because Piirainen fails to teach or suggest at least, "generating an overall channel estimate by obtaining a weighted average of a plurality of channel estimates," as set forth in claim 1 and somewhat similarly in claims 5 and 9. The Examiner relies upon column 4, lines 60-63 of Piirainen to allegedly teach the above recited feature; however, the cited portion of Piirainen merely refers to the "averaging of more than one channel estimate,"<sup>1</sup> but not a "weighted average."

As shown in the attached appendix, the arithmetic mean or average is a value obtained by dividing the sum of a set of quantities (in this case, channel estimates) by the number of quantities in the set (in this case the number of

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<sup>1</sup> Piirainen, col. 4, ll. 60-63.

channel estimates).<sup>2</sup> To the contrary, a weighted arithmetic mean or weighted average is an average in which each quantity to be averaged is assigned a weight. The weightings may determine the relative importance of each quantity on the average.<sup>3</sup> Because Piirainen merely mentions averaging of multiple channel estimates and does not disclose any weights assigned to the channel estimates, Piirainen fails to teach or suggest, "generating an overall channel estimate by obtaining a **weighted average** of a plurality of channel estimates," as set forth in claim 1 and somewhat similarly in claims 5 and 9. Therefore, the above rejection should be withdrawn because Piirainen fails to anticipate claims 1, 5 or 9. Piirainen fails to anticipate claims 2-3 and 10-12 at least by virtue of their dependency from claims 1, 5 or 9.

### **III. CONCLUSION**

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007 at the number listed below.

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<sup>2</sup> Dictionary.com <<http://dictionary.reference.com/search?q=arithmetic%20mean>>.

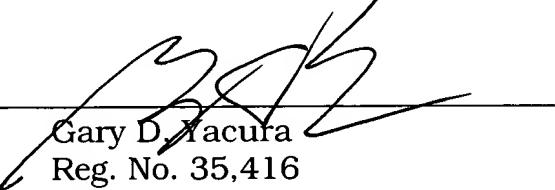
<sup>3</sup> Dictionary.com <<http://dictionary.reference.com/search?q=weighted%20average>>.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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